

D'ARRIGO BROS. CO.

OF CALIFORNIA ESTABLISHED 1923

Growers, Packers and Shippers of Fresh Fruit and Vegetables

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February 7, 2006

Via Fax: (202) 720-8868
Dexter.Thomas@usda.gov

Mr. Dexter Thomas
EDI Comments
AMS, F&V, PACA Branch
1400 Independence Ave., SW., Room 2095-S
Washington, D.C. 20250-0242

**Subject: Regulations under the Perishable Agricultural Commodities Act
(PACA), Docket FV-05-373**

Dear Mr. Thomas:

As a PACA licensee and shipper of fresh fruits and vegetables, I am submitting this letter in connection with the notice in the Federal Register concerning electronic data interchange (EDI) when invoicing and seeking protection under the PACA statutory trust. I am submitting this letter in support of modifying the regulations of the Perishable Agricultural Commodities Act as it relates to clarifying EDI invoicing practices.

As a shipper of fresh fruits and vegetables, it is imperative when invoicing electronically that licensees be provided coverage under the statutory trust in the same manner of protection afforded through traditional paper invoices.


When sending paper invoices, the PACA Trust language (*The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received*) is preprinted on my invoices, in accordance with the regulations, thus allowing me to be trust protected.



The regulations need to be changed to adapt to the evolving industry practices and provide protection to shippers when invoicing through EDI.

Therefore, I am in complete support of modifying the regulations to protect shippers when electronically invoicing for fresh fruits and vegetables by allowing coverage under the statutory trust on all EDI transmissions so that it is mandatory and not discretionary for the buyer to accept. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. John Culligan", with a long horizontal flourish extending to the right.

E. John Culligan
Vice President Finance, CFO